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EXAMINER

STEELMAN, MARY J

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2122

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,203

Applicant(s)

OSBORNE ET AL.

Examiner

Mary J. Steelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is in response to the amendment filed 21 January 2003.
2. As per Applicant request, claims 1-16, 18-21, 23, 27, 31, 33,34, and 36 have been amended. Claims 1-36 are pending.

Drawings

3. In view of the submission of figures 8-14, the objection to the drawings is hereby withdrawn.

Specification

4. The substitute specification filed 21 January 2003 has not been entered because it does not conform to 37 CFR 1.125(b) because: The changes are not made obvious, a marked up copy must clearly show where words have been added or deleted. There is no statement that the substitute specification includes no new matter.

§ 1.125 Substitute specification.

- (a) If the number or nature of the amendments or the legibility of the application papers renders it difficult to consider the application, or to arrange the papers for printing or copying, the Office may require the entire specification, including the claims, or any part thereof, be rewritten.
- (b) A substitute specification, excluding the claims, may be filed at any point up to payment of the issue fee if it is accompanied by:
 - (1) A statement that the substitute specification includes no new matter; and
 - (2) A marked up version of the substitute specification showing all the changes (including the matter being added to and the matter being deleted from) to the

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specification of record. Numbering the paragraphs of the specification of record is not considered a change that must be shown pursuant to this paragraph.

(c) A substitute specification submitted under this section must be submitted in clean form without markings as to amended material. The paragraphs of any substitute specification, other than the claims, should be individually numbered in Arabic numerals so that any amendment to the specification may be made by replacement paragraph in accordance with § 1.121(b)(1).

(d) A substitute specification under this section is not permitted in a reissue application or in a reexamination proceeding.

[48 FR 2712, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; paras. (b)(2) and (c) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000] For examination purposes, the Examiner has considered the newly amended claims submitted 21 January 2003.

5. The Specification is objected to for the following reasons:

a. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "Test code generator, engine and data analyzer for testing middleware applications."

b. There are numerous claim numbering errors on pages 150-154 (also page 153, 13 g), h), i) should be 13 d), e), f), page 153-154: a), h), i), k), f) should be a), b), c), d), e),

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f), page 154-155: a), b), c) l), m) should be a), b), c), d), e)) of the amended Specification.

c. Page 44, line 13 and page 150, line 12 recites, "lease", should be -least--.

6. All related applications and patents must be cross referenced.

7. The Appendix 3 has been eliminated from the Specification. Therefore the objection is hereby withdrawn.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Amended claims 14, 19, 33 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7.35.01 Trademark or Trade Name as a Limitation in the Claim

Claims 14, 19, 33 and 36 contain the trademark/trade name JAVA. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph.

See Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case,

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the trademark/trade name is used to identify/describe byte code instruction set format and, accordingly, the identification/description is indefinite.

Double Patenting

10. In reference to co-pending application 09 / 482178, it is noted that Applicant agrees to file a terminal disclaimer upon an indication of allowance

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23, 27, 31, and 34 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent 6,446,120 by Dantressangle, in view of U.S. Patent 6,523,027 to Underwood.

Dantressangle disclosed a client computer that acts as one or more virtual users executing a test script to stress a server. Dantressangle did not provide extensive details concerning the testing of application components on the server. However, Underwood did disclose more specific details regarding the load / stress testing of application components (Col. 20, lines 24-35) on a server. Underwood specifically disclosed that (col. 215, lines 41-51) "Performance and Stress Test simulates high production data volumes and ensures that system response time and communication links are adequate. Potential bottlenecks are identified and analysis of how the system can perform internally and with other systems at maximum processing loads is

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performed.” Underwood disclosed additional information regarding components, including COM, JAVABEANS, and CORBA (col. 339, line 65) at col. 330, line 40 – col. 345, line 9.

Per claim 1, Dantressangle disclosed:

-coordination software. (Fig 5 & col. 7, lines 3-6, “...steps performed by the stresser main process 400 of the configurable stresser 200 to stress a Web server 104...”);

-at least one code generator, receiving as an input commands from the coordination software and having as an output client test code. (Fig. 4 & col. 5, lines 66-67, “Initially, a user generates a test guide file 402 that contains the instructions for testing the Web server 104.”);

-at least one test engine, receiving as an input commands from the coordination software, the test engine comprising a computer server having at least one software implementation of a processor executing at least one instance of the client test code. (Col. 5, lines 26-35, “The configurable stresser 200 measures the accessibility and the responsiveness of a Web server while heavily loaded...the configurable stresser 200 provides a JAVA Applet GUI. This will allow a user to launch a very long stress test from a Web browser...”);

-at least one data log having computerized memory, the memory holding timing data created by the instances of the client test code. (Col. 6, lines 22-25, “Each virtual Web browser 404 executes the structure representing the test guide file 402 and generates a result file 406 (log)”);

-at least one data analyzer software, operatively connected to the data log, having an output that represents performance of the application under test in response to load. (Col. 6, lines 42-52, “...stresser main process 400 parses all the result files 406 and generates multiple reports...”).

Per claim 2, Dantressangle disclosed:

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-at least one software implementation of a processor executes multiple threads, each thread comprising an instance of the client test code. (Col. 6, lines 1-4, "When launched a stresser main process of the configurable stresser will generate a requested number of virtual Web browsers (i.e. "child processes")").

Per claim 3, Dantressangle disclosed:

-at least one software implementation of a processor is synchronized to start execution of an instance of the client test code with another of said at least one software implementation of a processor about to start execution an instance of the client test code. (Col. 6, lines 4-14, "A user indicates the number of virtual Web browsers to be generated when launching the configurable stresser...The configurable stresser can simulate many virtual Web browsers, each of which connects and sends HTTP requests to the same Web Server...many connections and HTTP requests at the same time.").

Per claim 4, Dantressangle disclosed:

-synchronization of at least one software implementation of a processor to another of said at least one software implementation of a processor is performed independently of the time set on each system. (Col. 6, lines 31-34, "The Web server can receive the same or different commands from the different virtual Web browsers simultaneously.").

Per claim 5, Dantressangle disclosed:

-at least one software implementation of a processor is set to start execution of the client test code a predetermined time after another of said at least one software implementation of a processor is set to start execution of the test client code. (Col. 6, lines 31-34, "The Web server

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can receive the same or different commands from the different virtual Web browsers simultaneously.”).

Per claim 6, Dantressangle disclosed:

-at least one software implementation of a processor is set to start execution of the client test code independent of another of said at least one software implementation of a processor set to start execution of the client test code. (Col. 6, lines 31-34, “The Web server can receive the same or different commands from the different virtual Web browsers simultaneously.”).

Per claim 7, Dantressangle disclosed:

This is a computer program product version of the limitations as addressed in claim 1.

Therefore, claim 7 is rejected under the same rationale as claim 1.

Per claim 8, Dantressangle disclosed:

Claim 8 contains limitations as recited in claim 2. Therefore, claim 8 is rejected under the same rationale as claim 2.

Per claim 9, Dantressangle disclosed:

Claim 9 contains limitations as recited in claim 3. Therefore, claim 9 is rejected under the same rationale as claim 3.

Per claim 10, Dantressangle disclosed:

Claim 10 contains limitations as recited in claim 4. Therefore, claim 10 is rejected under the same rationale as claim 4.

Per claim 11, Dantressangle disclosed:

Claim 11 contains limitations as recited in claim 5. Therefore, claim 11 is rejected under the same rationale as claim 5.

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Per claim 12, Dantressangle disclosed:

Claim 12 contains limitations as recited in claim 6. Therefore, claim 12 is rejected under the same rationale as claim 6.

Per claim 13, Dantressangle disclosed:

-providing test code to exercise said software component. (Col. 5, lines 65-66, "Initially, a user generates a test guide file that contains the instructions for testing the Web server." Also fig. 7, and col. 7, lines 32-34, "A test guide file is a text file, with a very simple syntax, that centralized all the information necessary for the testing/stressing process.");

-creating a plurality of copies of the test code. (Col. 3, lines 23-26, "The configurable stresser launches virtual Web browsers, each of which simulates a typical Web browser. Each Web browser performs tests on the Web server.");

-simultaneously executing the plurality of copies of the test code. (Col. 4, lines 35-38, "The configurable stresser is useful for testing the synchronization of the Web server threads by generating simultaneous HTTP requests via the virtual Web browsers.");

-providing a folder for each component method of the software component being exercised. (Fig. 5 & col. 7, lines 11-17, "...the stresser main process receives result files for each virtual Web browser...the stresser main process prepares a consolidated report...");

-recording times for each component method of the software component being exercised. (Col. 8, lines 41-60, "The timer is used to test the timing of the computer programs...as well as the connections...The stresser main process will parse the HTML, find the timers, and store the differences...");

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-analyzing the recorded times to present information on performance of each method of each component method of the software component being exercised. (Col. 6, lines 42-52, "...the stresser main process parses all the result files and generates multiple reports stored in one or more report files...");

Per claim 14, Dantressangle disclosed:

-the components are selected from Enterprise Java Beans and Component Object Modules. (The server software can be comprised of component objects. Col. 3, lines 21-30, "A client computer typically executes a configurable stresser and is coupled to a Web sever computer executing Web server software...The Web server computer also executes a data source interface and, possibly, other computer programs (possibly component based programs), for connecting to the data sources.").

Per claim 15, Dantressangle disclosed:

-said step of recording times further comprises recording said times for each component method in a respective folder for said component method. (Fig. 5 & col. 7, lines 11-17, "...the stresser main process receives result files fro each virtual Web browser...the stresser main process prepares a consolidated report...").

Per claim 16, Dantressangle disclosed:

Each folder is used to provide calculations for said component method from said times recorded in the folder. (Fig. 5 & col. 7, lines 11-17, "...the stresser main process receives result files for each virtual Web browser...the stresser main process prepares a consolidated report..." Also, col. 4, lines 51-54, "...a user provides a test guide file containing instructions for testing the

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computer programs on the Web server and provides reference data indicating the results for successful execution of the test.”).

Per claim 17, Dantressangle disclosed:

-said calculations are selected from the group consisting of the average response time of the items within the folder, and the total response time of the items within the folder. (The user specifies the test criteria. Col. 11, lines 7-8, “The configurable stresser provides statistics for each process.”).

Per claim 18, Dantressangle disclosed:

This is a computer program product version of the limitations as addressed in claim 13.

Therefore, claim 18 is rejected under the same rationale as claim 13.

Per claim 19, Dantressangle disclosed:

Claim 19 contains limitations as recited in claim 14. Therefore, claim 19 is rejected under the same rationale as claim 14.

Per claim 20, Dantressangle disclosed:

Claim 20 contains limitations as recited in claim 15. Therefore, claim 20 is rejected under the same rationale as claim 15.

Per claim 21, Dantressangle disclosed:

Claim 21 contains limitations as recited in claim 16. Therefore, claim 21 is rejected under the same rationale as claim 16.

Per claim 22, Dantressangle disclosed:

Claim 22 contains limitations as recited in claim 17. Therefore, claim 22 is rejected under the same rationale as claim 17.

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Per claim 23, Dantressangle disclosed:

-coordination software. (Fig 5 & col. 7, lines 3-6, "...steps performed by the stresser main process 400 of the configurable stresser 200 to stress a Web server 104...");

-at least one code generator, receiving as an input commands from the coordination software and having as an output client test code, said code generator providing a template for a datatable, said datatable used to provide information for exercising the software component of the application under test. (Fig. 4 & col. 5, lines 66-67, "Initially, a user generates a test guide file 402 that contains the instructions for testing the Web server 104." Also col. 3, lines 35-45, "The data source interface may be connected to a Database Management System (DBMS), which supports access to a data source by executing RDBMS software...The data source interface translates the data request received from a configurable stresser into one or more statements (e.g., a macro file...) that can be processed to retrieve data from data sources.");

-at least one test engine, receiving as an input commands from the coordination software, the test engine comprising a computer server having a plurality of threads thereon, each thread executing an instance of the client test code. (Col. 4, lines 35-38 "The configurable stresser is useful for testing the synchronization of the Web server threads by generating simultaneous HTTP requests via the virtual Web browsers.");

-at least one data log having computerized memory, the memory holding timing data created by the instances of the client test code in the plurality of threads. (Col. 6, lines 22-25, "Each virtual Web browser 404 executes the structure representing the test guide file 402 and generates a result file 406 (log).");

-at least one data analyzer software, operatively connected to the data log, having an output that represents performance of the software component of the application under test in response to load. (Col. 6, lines 42-52, "...stresser main process 400 parses all the result files 406 and generates multiple reports...").

Per claim 27, Dantressangle disclosed:

This is a computer program product version of the limitations as addressed in claim 23.

Therefore, claim 27 is rejected under the same rationale as claim 23.

Per claim 31, Dantressangle disclosed:

-providing test code to exercise the software component, said software component including at least one component method. (Fig. 4 & col. 5, lines 66-67, "Initially, a user generates a test guide file 402 that contains the instructions for testing the Web server 104.");

-providing a class file for each component method of said software component directly to each user. (Col. 1, lines 61 -65, "Compared test results are received from each virtual browser indicating a response to each transmitted command received from the server computer. The received test results are consolidated into a report of compared test results.");

-creating a first plurality of copies of the test code. (Col. 2, lines 3-7, "...enable users to create tests for their particular Web server environments....combine regression and performance testing...");

-simultaneously executing the first plurality of copies of test code while recording times between events in each of the first plurality of copies of test code. (Col. 6, lines 31-34, "The Web server can receive the same or different commands from the different virtual Web browsers simultaneously. This tests the functionality and efficiency of the Web server.");

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-creating a second plurality of copies of test code. (Col. 6, lines 4-14, "...a stresser main process of the configurable stresser will generate a requested number of virtual Web browsers...A user indicates the number of virtual Web browsers to be generated...By generating the multiple virtual Web browsers, the configurable stresser can "stress" any Web server with many connections and HTTP requests at the same time.");

-simultaneously executing the second plurality of copies of test code while recording times between events in each of the second plurality of copies o test code. (Col. 8, lines 41-61, "...The timer is used to test the timing of the computer programs, or any other program on the Web server...");

-repeating a predetermined number of times the steps of creating plural copies of the test code and simultaneously executing the plural copies while recording event times. (Col. 7, line 64 – col. 8, line 3, "The sequential command...executed sequentially rather than randomly at each virtual Web browser...");

-analyzing the recorded times to present information on the performance of the software component of the application under test as a function of load. (Col 8, lines 57 – 60, "...the configurable stresser will generate final statistics of the times measured...");

Per claim 34, Dantressangle disclosed:

This is a computer program product version of the limitations as addressed in claim 31.

Therefore, claim 34 is rejected under the same rationale as claim 31.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 24 – 26 and 28- 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,446,120 to Dantressangle, in view of U.S. Patent 6,523,027 to Underwood and further in view of U.S. Patent 6,401,220 to Grey et al.

Dantressangle disclosed a method, apparatus, and article of manufacture for stress testing a server. He disclosed creating test code, executing tests and analyzing data. Dantressangle did not expressly teach specifics regarding stress testing individual components of an application on the server. However Underwood disclosed load, stress and performance testing (col. 216, line 57-col. 217, line 27) on individual components of an application under test. Neither Dantressangle, nor Underwood disclosed a storage format of data, such as rows, columns and storing in a comma separated values (.csv) format. However, Grey did provide more details on storage format in his invention to create and execute test sequences and produce a result collection.

Per claim 24, Grey disclosed:

-datatable includes a plurality of rows and a plurality of columns wherein said columns are used for parameters and said rows represent users. (Col. 47, lines 63-66, “The limit data is in table format where the row names are step names and the column headings are the names of step properties that begin with Limit.”).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the invention of a configurable stresser for a web server, as taught by Dantressangle, with Underwood’s invention to include testing individual components of a

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software application and furthermore to modify the invention to include the more specific data arrangement in rows, columns, and .csv as taught by Grey, because load, stress and performance testing of a server, including the components of an application on the server ensures that the system response time and communication links are adequate. Potential bottlenecks are identified (Underwood, col. 215, lines 46-49). Additionally, the techniques for parsing, storing and retrieving, as disclosed by Grey, are well known in the art for arranging data in a logical manner.

Per claim 25, Grey disclosed:

-datatable is in a .CSV format. (Col. 46, lines 48-49, "Valid formats are tab-delimited text (.txt), comma-delimited text (.csv), and Excel file (.xls).").

Per claim 26, Grey disclosed:

-datatable contains fewer rows than the number of virtual users provided by said test engine, then said test code will cycle through said data table and then start over beginning with the first row of said datatable. (Col. 51, lines 27-31, "...the user configures pre-test operations and/or post-test operations in the process model. This involves creating steps and code modules to implement the desired functionality of the pre-test operations and/or post-test operations." Also, Col. 52, lines 10-12, "...the user configures variables, parameters, and/or types...").

Per claim 28, Grey disclosed:

Claim 28 contains limitations as recited in claim 24. Therefore, claim 28 is rejected under the same rationale as claim 24.

Per claim 29, Grey disclosed:

Claim 29 contains limitations as recited in claim 26. Therefore, claim 29 is rejected under the same rationale as claim 26.

Per claim 30, Grey disclosed:

Claim 30 contains limitations as recited in claim 25. Therefore, claim 30 is rejected under the same rationale as claim 25.

14. **Claims 32, 33, 35, and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,446,120 to Dantressangle, in view of U.S. Patent 6523027 to Underwood and further in view of 6,237,135 to Timbol.

Dantressangle disclosed stressing a server by creating and executing a plurality of tests carried out by clients upon the server. Dantressangle did not expressly teach specifics regarding stress testing individual components of an application on the server. However Underwood disclosed load, stress and performance testing (col. 216, line 57-col. 217, line 27) on individual components of an application under test. Neither Dantressangle, nor Underwood disclosed file compression. However, Timbol did provide more details on JAVA programs and their ability for compression. Compression and compression of JAVA files into JAR files is well known in the art.

Per claim 32, Timbol disclosed:

Class file is provided as a compressed file. (Col. 19, lines 24 – 27, “A Java Bean is a collection of one or more Java classes, often bundled into a single JAR (Java Archive) file, that serves as a self-contained, reusable component.”).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the invention of a configurable stresser for a server, as taught by Dantressangle, by more specifically testing the software components located on the server as

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taught by Underwood and furthermore to modify the invention by including JAVA compression of classes (JAR format), as taught by Grey, because JAVA is one of many suitable programming languages for middle tier server applications and the techniques are well known in the art for grouping class files together in a compressed format.

Per claim 33, Timbol disclosed:

Compressed file comprises a Java Archive technology based file. (Col. 19, lines 24 – 27, “A Java Bean is a collection of one or more Java classes, often bundled into a single JAR (Java Archive) file, that serves as a self-contained, reusable component.”).

Per claim 35, Timbol disclosed:

Claim 35 contains limitations as recited in claim 32. Therefore, claim 35 is rejected under the same rationale as claim 32.

Per claim 36, Timbol disclosed:

Claim 36 contains limitations as recited in claim 33. Therefore, claim 36 is rejected under the same rationale as claim 32.

Response to Arguments

15. Applicant’s arguments filed 21 January 2003 have been fully considered but they are not persuasive.

Applicants have argued, in substance, the following:

The invention tests technology based software components (components cobbled together to make up an application). The claims have been amended to recite that a software component of an application under test is being tested. In contrast, Dantressangle tests a server, without

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specifying that the test is on individual technology based software components that make up the application on the server.

It is noted that the Dantressangle reference is relied on for disclosing a server test generator. Dantressangle (Abstract, line 5-8) states "Each command is performed by the server computer to access data from a data source stored on a data storage device connected to the server computer." That implies that some piece of code (component) must access or in some way process and return a piece of information. See fig. 3 where data requests and queries are handled. Col. 5, lines 6-8, "This provides insight into performance and scalability for the coupled Web server software and other Web server computer programs..." Underwood provided more details on testing individual components of an application that are located on the server.

Therefore, the rejection of claims 1-36 is proper and maintained herein.

Conclusion

16. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday, from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789.

The fax phone numbers are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MS



03/07/2003


ANIL KHATRI
PRIMARY EXAMINER